SCOTT & YALLERY-ARTHUR
7306 Georgia Avenue, N.W.
Washington, D.C. 20012
(202) 882-5770

Date _September 22, 2007_   Page _1_ of _7_

SEND TO: NAME: ___R. Chin___

FIRM: ___U. S. Patents and Trademark Office___

FAX: _(571)273-2300_   PHONE: _(703)308-1613_

SENT BY: NAME: ___Nigel L. Scott, Esquire___

S&Y-A FAX: (202) 722-0040

SUBJECT: _Amendment to Application No.09/912,692_

COMMENTS: _Complete Document not_
transmitted by earlier fax, therefore it
is being resubmitted. NLS

ORIGINAL WILL: _____ Follow Via Mail
_____ Follow Via Messenger
_____ Follow Via Overnight

This fax is intended for the exclusive use of the addressee named above, and may contain legally privileged and confidential information. If you are not the intended recipient of this fax, you are hereby notified that any dissemination, distribution, or copying of this fax is strictly prohibited.

If you received this fax in error, please notify us immediately by telephone and return the original fax to us at the above address via the United States Postal Service. We will reimburse any costs you incur in notifying us and returning the fax to us.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of Edward T. Buford, III

Serial No: 09/912,692   Group Art Unit: **RECEIVED**
                                                                   CENTRAL FAX CENTER

Filed: 7/26/2001   Examiner: R. Chin   **SEP 2 4 2007**

Commissioner of Patent and Trademarks
Washington, D.C. 20321

Sir:

RESPONSE TO OFFICE ACTION MAILED MAY 24, 2007

This is in response to the Office Action mailed, May 24, 2007 and the communication dated

August 28, 2007in respect of the above-identified patent application.

For the record, applicant hereby registers his disappointment at the Examiner's reversal of his

allowance of the claims presented. It should also be noted that this is not the first time that the

Examiner has seemingly reversed course after indicating that the claims presented for examination

were allowable then altering his stance. Additionally, while the Examiner suggests that their

allowable subject matter if the claims were presented with a spiral groove, it must be noted that the

Examiner has rejected claims employing a spiral groove. Nevertheless, applicant will amend the

claims along the lines suggested by the Examiner.

In the subject Office Action, the Examiner rejected claims 17 and 19 for obviousness based

upon 35 U. S. C. 103 (a). Specifically, the rejection was based upon the assertion that referenced

claims were unpatentable over Stewart 2,876,477 on the grounds that Stewart teaches a brush having

a groove or flute along its longitudinal axis, thus it is demonstrably similar to the grooved bristle

described by applicant in his invention. The Examiner supports his rejection by reference to Figs. 3,

4, 5, 6 and 7 of Stewart.

Applicant begs to differ. The Examiner's rationale for the rejection is that the physical characteristics of Stewart are the functional equivalent of applicant's grooved bristle. Stewart does not make any reference in his specification or claims to the method or results achieved from the structural elements of the invention. Essentially, Stewart demonstrates a technique for efficient placement of the bristles in "tuft-receiving holes" such that the apices of the cross-section of the bristles are adjacent to each. The effect, if any, that such a placement will have on cleaning, particularly the ability of the apices of the bristles to act as cleaning devices is not mentioned.

Moreover, the arrangement of the bristles as described by Stewart virtually precludes the apices from having any cleaning function since the apices are adjacent to each other and not exposed. Further; unlike the bristle of applicant's invention that has a single groove along the longitudinal axis and is designed so that the entire length of the bristle is a cleaning device, the polygonal shape of Stewart's bristles does not lend itself to a cleansing function. Consequently, applicant asserts that the differences between the Stewart bristle and the bristle of the invention are not merely functional.

However, Applicant has corrected the response to conform with the requirements of 37 CFR 1.121 by removing the claim text from canceled claims 12, 13, 14, 15, 16 and 18. The status identifiers to claims 17 and 19 are changed to reflect the amendments to these claims. In Claims 17 at line 2 and 19 at line 3, the word --said -- is inserted before the words "substantially rigid bristles." In addition, in Claim 17 at the end of line 5 after the words "one groove along" and continuing on line 6 the words -- and within the circumference of -- have been added. In line 11 after "said groove" the words --within its circumference -- are added.

Further, Claim 19, line 2, the phrase, "as claimed in Claim 17" is deleted and in line 7; the words "constant number of bristles" are deleted and the words -- at least ten bristles -- inserted in their place. On line 7, after the words "one spiral groove" the words – within the circumference of –

before the words " the longitudinal axis." Line 12 between the words "said groove" and "said shaft" the word [on] is deleted and the words – within the circumference – inserted.

Finally, the method of showing the Amendments to the claims is corrected to show deletions in brackets and insertions are underlined.

Accordingly, applicant respectfully requests that the Examiner reconsiders and reexamines claims 17 and 19, as amended. These amendments were made with a view to overcoming the Examiner's rejection of the referenced claims. Applicant believes that the amendment to the claims is consistent with the Examiner's suggestions.

Applicant hereby submits new claims 20 and 21 for examination. The new claims are specifically written to include at least one spiral groove within the uniform diameter encompassing the longitudinal axis of the bristle.

In the Office Action dated August 28, 2007Applicant was advised that claims 17 and 19 should be noted as "currently amended." Applicant has amended the Amendment to correct the designation of claims as required.

Accordingly, the application will be amended as follows: